



## **ORDINANCE NO. 3275**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING ORDINANCE NO 2354 GRANTING A SPECIFIC USE PERMIT FOR A GASOLINE SERVICE STATION WITH A CAR WASH AND CONVENIENCE STORE ON A 0.477 ACRE TRACT OF LAND COMMONLY KNOWN AS 2904 VALLEY VIEW LOCATED WITHIN PLANNED DEVELOPMENT NO. 29 (PD-29) ZONING DISTRICT; BY PROVIDING FOR AN AMENDED SITE PLAN AND AMENDED BUILDING ELEVATIONS; PROVIDING ADDITIONAL SPECIAL PROVISIONS; REPEALING AUTHORITY TO OPERATE A CAR WASH; PROVIDING A SAVINGS CLAUSE; PROVIDING CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and, after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by amending as follows Ordinance No. 2354 granting a Specific Use Permit for a Gasoline Service Station with a Car Wash and Convenience Store for a 0.477 acre tract of land out of Valley View Shopping Center, an Addition to the City of Farmers Branch, Texas, more particularly described by metes and bounds in that certain Special Warranty Deed dated December 26, 2003, recorded January 21, 2004, in Volume 2004007, Page 552, Official Public Records, Dallas County, Texas (commonly known as 2904 Valley View Lane)(“the Property”) which is presently zoned Planned Development No. 29 (PD 29) Zoning District:

- A. The Site Plan attached as Exhibit “A” to Ordinance No. 2354 shall be amended in its entirety as set forth in Exhibit “A,” attached to this Ordinance and incorporated herein by reference.



- B. Ordinance No. 2354 shall be amended by inclusion of new Building Elevations set forth in Exhibit "B," attached hereto and incorporated herein by reference.
- C. To the extent Ordinance No. 2354 authorizes the Property to be developed with a car wash, such authority is hereby repealed.

**SECTION 2.** The Property shall conform in operation, location and construction to the development standards specified within the PD-29 Zoning District as well as the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached hereto as Exhibit "A," which is incorporated herein by reference and hereby approved;
- B. The Property shall be developed with landscaping in accordance with the Site Plan attached hereto; provided, however, the landscaped area located on the east end of the building on Lot 1, Block A, Panda Addition, owned by the City of Farmers Branch, shall not be required to be installed until such time that the owner of the Property and the City have signed an agreement authorizing the location of such landscaping on the Property.
- C. The building elevations for building located on the Property shall be modified to appear substantially in accordance with the Elevations set forth in Exhibit "B," attached hereto upon the issuance of a certificate of occupancy following any renovation or expansion of the building existing on the Property on the effective date of this Ordinance, and shall continue to be maintained in accordance with the attached Elevations; provided, however, minor changes to the building elevations may be authorized by the Director of Planning in the event such changes are necessary to allow the construction to comply with applicable construction codes adopted by the City.

**SECTION 3.** The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

**SECTION 4.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

**SECTION 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.


**SECTION 6.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 7.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

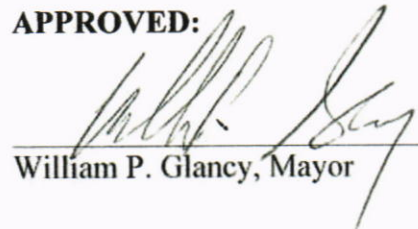
**SECTION 8.** This Ordinance shall take effect after the passage of this Ordinance, the publication of the caption hereof as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 1<sup>st</sup> DAY OF APRIL, 2014.**

**ATTEST:**

  
Angela Kelly, City Secretary

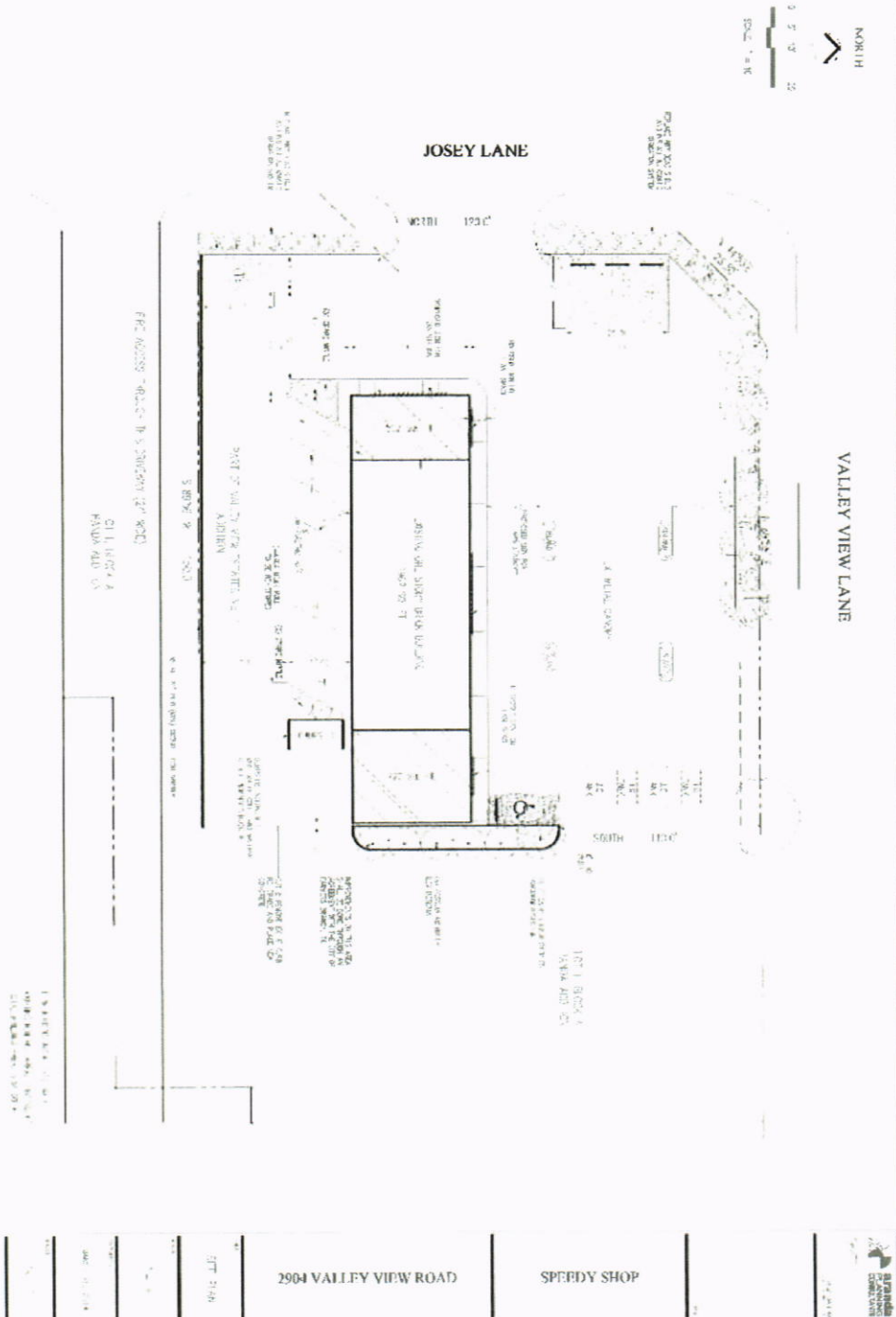
**APPROVED:**

  
William P. Glancy, Mayor

**APPROVED AS TO FORM:**

  
Peter G. Smith, City Attorney  
(kbl:3/24/14:65358)

Ordinance No. 3275  
EXHIBIT "A" - Site Plan





Ordinance No. 3275  
EXHIBIT "B" - Elevations

